

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**February 11, 2013, 6:00 P.M.**  
**CD&P First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 6:08 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

**I. Approval of Minutes**

- **December 10, 2012**

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of December 10, 2012. Unanimous approval.*

- **January 14, 2013**

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of January 14, 2013. Unanimous approval.*

**II. Appointments & Hearings**

- **6:00 p.m. – Tom Paluso for 200 Chandler Road; Local Upgrade Approval & Variance Request to Allow a Sieve Analysis in Lieu of a Percolation Test for an Increase in Bedroom Count** – Present were Tom Peluso, Owner, Jack McQuilkin, Engineer at JM Associates, Donald & Cynthia Ross of 198 Chandler Rd., and Bruce Belbin, abutter at 204 Chandler Rd. The Applicant was seeking both a Local Upgrade Approval (LUA) to allow a Sieve Analysis in Lieu of a Percolation (Perc) Test and a Title 5 Variance to allow an increase in flows from three to four bedrooms using that Sieve Analysis. Legal notices were sent out to the abutters. The first vote is needed because when site testing was done, the water table did not allow a Perc test. This system did pass Title V with a minor repair to the distribution box, but by putting in a larger system, and moving it out back, the home would have better market value as a four bedroom. Mr. Belbin was concerned that the change in location would cause his home to have water issues and asked if that could be a problem, and what recourse would he have if that happened. Mr. McQuilkin explained that the yard will slope toward a drain easement that runs behind the system. Mr. Belbin's property is higher and the slope will be going away from his property. Mr. Carbone agreed that it would be unlikely that this should have any impact on Mr. Belbin's property. The Ross family was concerned with effluent breaking out to the ground surface and the odors related to that. Mr. Carbone explained that they have to meet the code which requires 4' of washed sand which makes a good filter for many years. If the vent pipe in the back of the property emits an odor, a charcoal filter can be added to the pipe.

*Motion by Ms. Martin, seconded by Ms. Kellman to approve the LUA to allow a sieve analysis in lieu of a Percolation Test. Unanimous approval.*

*Motion by Ms. Martin, seconded by Ms. Kellman to approve the Variance for increase of flows from three to four bedrooms with use of Sieve Analysis in lieu of a Percolation Test. Unanimous approval.*

- **6:15 p.m. – Public Hearing for Camp Summer Adventure** – Present was Dina Hurley from Camp Summer Adventure. Mr. Carbon explained to the Board that this is a SHED program that has had a camp in the past, but since there it has not been a camp for years, it needs to be licensed again. The program ran fine in the past, but state law requires the Board of Health to hold a Public Hearing. Ms. Martin asked about the fact that the camp will be using a pool and Mr. Carbone explained that the pool is in Lawrence and is licensed by the state. The camp paperwork will have an aquatic safety plan in place for that activity. Mr. Carbone stated that there were no issues with the initial application and they are still in the early stages of preparation. They will be working to get their plans in place and submitted to the Health staff for review.

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve Camp Summer Adventure with the requirement that all pending paperwork is received and approved by Health Staff. Unanimous approval.*

- **6:20 p.m. – Sun Son for Boston King Café, Show Cause Hearing Continued** - Present was Sun Son, owner of Boston King Café, and Rory Linn, employee. Ms. Martin stated that Mr. Son had two inspections with four critical violations. Mr. Linn explained that there was confusion with how eggs needed to be handled and they got conflicting information. Ms. Martin stated when the January 11<sup>th</sup> inspection was done it was only 7 a.m., and there were already problems; the cook was wiping his knife on his apron, and there were sanitizer use errors. Mr. Son stated that they were storing a sanitizer spray next to food, but has since moved that, and the Inspector instructed the cook to put the knife in the sanitizer. He showed a picture of the sanitizer placement for the Board to see. <sup>1</sup> There was a lot of confusion when gloves are needed, and Mr. Carbone explained that the code requires a barrier between food and your hands. He suggested that Mr. Son utilize his Private Inspector, Michelle Cramm, to help with instructions of when gloves are needed and how to properly handle eggs. Ms. Kellman noted that on both days the Inspector had comments stating that some of the equipment, floors and surfaces were dirty; and that was at 7 a.m. Mr. Son stated that they do clean everything, but after opening and being busy, things get dirty. Ms. Martin expressed disappointment that Mr. Son had to come before the BOH again. Mr. Son stated that when they realize there is a problem, they learn from that. Ms. Martin told Mr. Son to listen to Ms. Cramm, and use her to train them how to utilize their time properly to keep things clean as the day goes on as well as doing a good cleaning at the end of each night. Also, she advised Mr. Son to speak with Ms. Cramm about the confusion with the use of eggs and ready to eat food, and show her

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<sup>1</sup> The picture was added to the Agenda Packet after page 18.

what they are doing so that she can advise them. Ms. Martin stated that her first reaction was to close the restaurant down, but wants to give Mr. Son one more chance; however, the next time may not be so easy.

*Motion by Ms. Martin to continue the Hearing until the June Board of Health Meeting, requiring monthly inspections, and if there are any critical violations, Mr. Son would appear before the Board at the next scheduled BOH Meeting. Ms. Kellman seconded the motion for discussion.*

Ms. Kellman stated that she was concerned that Mr. Son and his staff needed to learn more and this would be a good opportunity for them to utilize Ms. Cramm more than they have been. Ms. Martin suggested that Mr. Son have Ms. Cramm shadow the staff and make sure they follow proper procedure. Since the Board has seen some improvement, they decided that inspections every other month would be sufficient.

*Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Hearing until the June Board of Health Meeting, requiring inspections every other month, and if there are any critical violations, Mr. Son would appear before the Board at the next scheduled BOH Meeting. Unanimous approval.*

### **III. Discussion**

- **Latitude Fitness – Allow the use of a Standard Grease Interceptor with Conditions** – Mr. Carbone explained to the Board that Latitude Fitness Center has had odors coming from the grease trap. Health Staff has determined this wasn't the right application for them. Their product is Fruit smoothies and the big dipper representative thinks they are not producing enough grease to seal it. Also, Mr. Carbone found that the latches in the back that hold down the cover were not shut down. Mr. Carbone recommended the Board approve the use of a standard Grease Interceptor, with conditions.

*Motion by Ms. Martin, Seconded by Ms. Kellman to allow the Variance to use a Standard Grease Interceptor for Latitude Fitness.*

Mr. Carbone asked the Board Members if they wanted to add the conditions that he stated in the Agenda packet, and the Board Members agreed.

*Motion by Ms. Martin, seconded by Ms. Kellman to amend the motion to include the following conditions:*

1. *The interior grease interceptor shall be cleaned out at least monthly.*
2. *The cleaning of the interceptor shall be documented in writing in a log book, kept on site for use and inspection. The log book must indicate the date of cleaning, the approximate volume (in gallons) removed, the name of the person doing the work, and the signature of the manager on duty that documented that the work had been done.*
3. *All waste removed from the interceptor shall be disposed of in a proper manner, but in no case shall it be disposed of through the building waste lines or into the municipal sewer.*

*Proper disposal includes being removed by a licensed septic waste hauler, or with grease waste from cooking operations and stored in an exterior container.*

*Unanimous approval.*

- **Orange Leaf Yogurt – Allow the use of a Standard Grease Interceptor with Conditions** – Orange Leaf Yogurt has had odors from their grease trap and have already had a plumber change it out. Since their product is yogurt they were getting a sour milk smell. The company that installed the “Big Dipper” grease trap stated that if they knew the type of business this was, they would not have recommended this product. Mr. Carbone recommended approval for Orange Leaf Yogurt to use the standard Grease Interceptor and condition it that if there is a change in ownership, a new review must be done.

*Motion by Ms. Martin, Seconded by Ms. Kellman to allow the Variance to use a Standard Grease Interceptor for Orange Leaf.*

Mr. Carbone asked the Board Members if they wanted to add the conditions that he stated in the Agenda Packet and the Board Members agreed. The Board also wanted to add a condition if there was a change in ownership in the future that a new review would be required.

*Motion by Ms. Martin, seconded by Ms. Kellman to amend the motion to include the following conditions:*

1. *The interior grease interceptor shall be cleaned out at least monthly.*
2. *The cleaning of the interceptor shall be documented in writing in a log book, kept on site for use and inspection. The log book must indicate the date of cleaning, the approximate volume (in gallons) removed, the name of the person doing the work, and the signature of the manager on duty that documented that the work had been done.*
3. *All waste removed from the interceptor shall be disposed of in a proper manner, but in no case shall it be disposed of through the building waste lines or into the municipal sewer. Proper disposal includes being removed by a licensed septic waste hauler, or with grease waste from cooking operations and stored in an exterior container.*
4. *If there is any change in ownership or type of food service, a new review would be required by the Board of Health.*

*Unanimous approval.*

- **Mosquito Control FY 2014 Budget** – Mr. Carbone explained that the Town of Andover is now getting a copy of the Mosquito Control Budget so the Town can review it. The budget is the same as last year and Mr. Carbone recommended Board of Health approval.

*Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Mosquito Control FY 2014 Budget. Unanimous approval.*

#### IV. Old Business

- **Susan Odle Update (not on Agenda)** – Mr. Carbone informed the Board that this time Susan Odle appeared in court. She did not have a lawyer present with her, and stated that she needed more time to clean up the property at 116 Osgood St. She requested four months, but Mr. Carbone and Town Counsel asked that the property be cleaned up in two months time. Judge Sullivan presided and said that she should work out a solution with the Town.

#### V. Definitive Subdivision Plans

- N/A

#### VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**
  - **200 Chandler Road – LUA to Allow Sieve Analysis in Lieu of Perc Test; Variance to Allow an Increase in Flows using Sieve Analysis -**

*See motions under Appointments & Hearings, 6 p.m. above.*

#### VII. Staff Reports

##### A. Director's Reports:

- **Important Dates:**
  - February 21, 2013, MDEP/MHOA Training
  - March 11, 2013 @ 6 p.m. – Board of Health Meeting
- **New Board of Health Board Member Applications (Not on Agenda)-** Mr. Carbone informed the Board that he received an e-mail and two applications from the Talent Bank from residents interested in the position. The applicants included two Doctors and one Engineer. Ms. Martin also had a couple of names of people she thought may be interested. Mr. Carbone stated that the interviews should be in a public setting. The Board wants to meet with them and let them know the nature of what the Board of Health does. Ms. Martin would like the applicants to take a look at some of our Minutes that are on the Town website so they get an idea of what the Board deals with and Mr. Carbone would also like to share a link to the Mass Association of Health Boards (MAHB) which describes the duties of the Board of Health. The Board wants to either meet separately at another time or

meet at a Board of Health Meeting. Mr. Carbone will reach out to the applicants, give them the information, and see if they want to continue the process.

- **Work Plan Update (Not on Agenda)** – Mr. Carbone continues to work on his Work Plan. Staff members are checking on Mr. Carbone's estimates and then he will be looking at the Annual Report numbers to see estimated times.
- **Budget Review (Not on Agenda)** - Mr. Carbone informed the Board that he would be meeting with the Finance Committee on March 13, 2013.
- **Annual Town Meeting Date Change (Not on Agenda)** - Mr. Carbone wanted to make sure the Board was aware that the Annual Town Meeting dates were changed to May 6, 7, and 8, 2013.
- **CDC Audit (Not on Agenda)** – Mr. Carbone informed the Board that last Wednesday he had the CDC Audit and they spent five to six hours going through the Emergency Plan. He is working on where to strengthen the plan. Following the review, he asked for clarifications. The report was due in five days, but Mr. Carbone asked for more time to get the plan done due to the snowstorm. They allowed him more time, so he has until the end of next week to get it done.

B. **Nurses' Report for January, 2013** – The Nurses' Report for January, 2013 was for informational purposes only.

C. **Inspectors' Reports for January, 2013** – The Inspectors' Report for January, 2013 was for informational purposes only.

#### **VIII. Board Member Reports**

- N/A

#### **IX. Adjournment**

*Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:40 p.m. Unanimous approval.*